

GAU 1633
JF/ Davis
07-08-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dean A. Falb and Michael A. Gimbrone, Jr. (As Amended)

Application No.: 09/034,286 Group Art Unit: 1633

Filed: March 4, 1998

Examiner: D. Nguyen

For: COMPOSITIONS AND METHODS Attorney Docket No.: 7853-114
FOR THE TREATMENT AND
DIAGNOSIS OF
CARDIOVASCULAR DISEASE

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby petitions under 37 C.F.R. § 1.48(a) to amend the above-identified application to add the name of the co-inventor of the claimed subject matter claimed therein: Michael A. Gimbrone, Jr., M.D. Michael A. Gimbrone, Jr., M.D. is also a true and actual inventor of the invention disclosed and claimed in the above-identified application.

In support of this Petition and in accordance with 37 C.F.R. § 1.48(a),

Applicant submits concurrently herewith:

- (1) Statement under 37 C.F.R. § 1.48(a)(1) by Michael A. Gimbrone, Jr., M.D., the person being added as an inventor;
- (2) Declaration and Power of Attorney under 37 C.F.R. § 1.63 of the actual inventors, Dean A. Falb, Ph.D. and Michael A. Gimbrone, Jr., M.D., in accordance with 37 C.F.R. § 1.48(a)(2); and
- (3) Written Consent of Assignee under 37 C.F.R. § 1.48(a)(4).

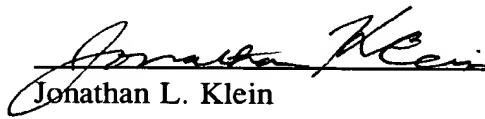
It is respectfully requested that Michael A. Gimbrone, Jr., M.D. be added as a co-inventor of the above-identified application. Michael A. Gimbrone, Jr., M.D. was not included as an inventor through an inadvertent error without any deceptive intention.

In accordance with 37 C.F.R. § 1.48(a)(3), please charge the required fee for this Petition, set forth in 37 C.F.R. § 1.17(i), of \$130.00 to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this document is enclosed.

Respectfully submitted,

Date

June 7, 1999


Jonathan L. Klein 41,119
(Reg. No.)

For: Laura A. Coruzzi Reg. No. 30,742
PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, DC 20006
(202) 496-4400

Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dean A. FALB

Application No.: 09/034,286 O I P E Group Art Unit: 1633

Filed: March 4, 1998 JUN - 7 1999 Examiner: D. Nguyen

For: COMPOSITIONS AND METHODS
FOR THE TREATMENT AND
DIAGNOSIS OF
CARDIOVASCULAR DISEASE

**STATEMENT BY MICHAEL A. GIMBRONE, JR., M.D.,
UNDER 37 C.F.R. § 1.48(a)(1)**

Assistant Commissioner for Patents
Washington, D.C. 20231

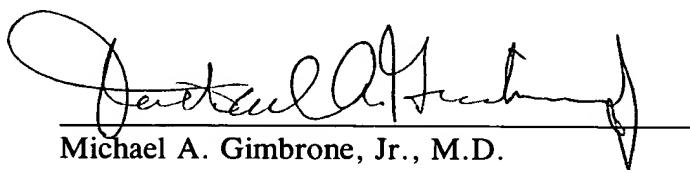
Sir:

I, MICHAEL A. GIMBRONE, JR., M.D., hereby state the following:

1. I am the same Michael A. Gimbrone, Jr., M.D. who executed a Declaration and Power of Attorney, signed even date herewith, as a co-inventor of the application captioned above.
2. I have reviewed and understand the content of the Petition under 37 C.F.R. § 1.48(a)(1), to be submitted concurrently herewith, to correct the inventorship of the above-identified application to add myself, Michael A. Gimbrone, Jr., M.D., as a co-inventor of the subject matter disclosed and claimed in the above-identified application.

3. The error in which I was not named as an inventor of the application identified above occurred with no deceptive intention on my part.

Date: 6-4-99


Michael A. Gimbrone, Jr., M.D.

SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE

the specification of which:

is attached hereto

was filed in the United States on March 4, 1998 as Application Serial No. 09/034,286
with amendment(s) filed on August 6, 1998 (if applicable)

(for declaration not accompanying application)

was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/011,787	February 16, 1996

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/386,844	February 10, 1995		X	
08/485,573	June 7, 1995		X	
08/599,654	February 9, 1996	X		
08/799,910	February 13, 1997		X	
08/870,434	June 6, 1997		X	

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoff (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), William S. Galliani (Reg. No. 33885), Gary S. Williams (Reg. No. 31066), Mark A. Farley (Reg. No. 33170) and Ann L. Gisolfi (Reg. No. 31956), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

O I P E
JUN 07 1999
U.S. PATENT & TRADEMARK OFFICE

SEND CORRESPONDENCE TO:		PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2147			DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090	
2 0 1	FULL NAME OF INVENTOR	LAST NAME FALB	FIRST NAME Dean	MIDDLE NAME A.		
	RESIDENCE & CITIZENSHIP	CITY Wellesley	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZENSHIP U.S.A.		
	POST OFFICE ADDRESS	STREET 28 Swarthmore Road	CITY Wellesley	STATE OR COUNTRY MA	ZIP CODE 02181	
2 0 2	FULL NAME OF INVENTOR	LAST NAME GIMBRONE, JR.	FIRST NAME Michael	MIDDLE NAME A.		
	RESIDENCE & CITIZENSHIP	CITY Jamaica Plain	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP U.S.A.		
	POST OFFICE ADDRESS	STREET 30 Hopkins Road	CITY Jamaica Plain	STATE OR COUNTRY MA	ZIP CODE 02130	
2 0 3	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP		
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE	
2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP		
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE	
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP		
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE	
2 0 6	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP		
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <i>Dean J. Falb</i>	SIGNATURE OF INVENTOR 202 <i>Frederick J. Gimbrow</i>	SIGNATURE OF INVENTOR 203
DATE 6-4-99	DATE 6-4-99	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: **Dean A. FALB**

Application No.: **09/034,286**

Group Art Unit: **1633**

Filed: **March 4, 1998**

Examiner: **D. Nguyen**

For: **COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE** Attorney Docket No.: **7853-114**

CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48(a)(4)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Millennium Pharmaceuticals, Inc., having an office for transaction of business at 640 Memorial Drive, Cambridge, Massachusetts 02139, is assignee and owner of the above-identified application, as established, in accordance with 37 C.F.R. §§ 1.48(a)(4) and 3.73(b), by the Assignment executed by Dean A. Falb recorded in the United States Patent and Trademark Office on August 6, 1998, at reel 9376, frame 0830, a copy of which is attached hereto as Exhibit A.

The undersigned is authorized to act on behalf of the assignee, Millennium Pharmaceuticals, Inc., as evidenced by the copy of the Resolution of the Board, which is attached hereto as Exhibit B.

Millennium Pharmaceuticals, Inc. hereby consents to amendment of the
above-identified patent application to add the following actual inventor: Michael A.
Gimbrone, Jr., M.D.

MILLENNIUM PHARMACEUTICALS, INC.

Date: 6-4-99

Mark F. Boshar

Mark F. Boshar, Associate General Counsel
and Chief Patent Counsel

Exhibit A



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

NOVEMBER 04, 1998

PENNIE & EDMONDS LLP
JONATHAN L. KLEIN
1667 K STREET, N.W.
WASHINGTON, D.C. 20006

REFERRED TO
PTAS
NOV 18 1998
O.K. for filing



100793823A

4853-114

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION
OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/06/1998

REEL/FRAME: 9376/0830
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

MILLENNIUM PHARMACEUTICALS, INC.
640 MEMORIAL DRIVE, FIFTH FLOOR
CAMBRIDGE, MASSACHUSETTS 02139

SERIAL NUMBER: 09034286

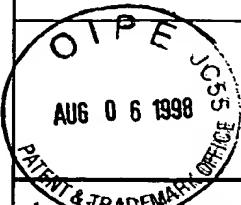
FILING DATE: 03/04/1998
PATENT NUMBER:

TARA WASHINGTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

08-14-1998



100793823

Attorney Docket Number
7853-114TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
Box Assignment
Washington, DC 20231

Please record the attached original documents or copy thereof.

1. Name(s) of conveying party(ies): Dean A. FALB	2. Name and address of receiving party(ies): Name: <u>Millennium Pharmaceuticals, Inc.</u> Address: <u>640 Memorial Drive</u> <u>Fifth Floor</u> <u>Cambridge, MA 02139</u>
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Country (if other than USA): _____
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____	Execution Date: <u>April 28, 1998</u>

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) 09/034,286

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, D.C. 20006

08/11/1998 JSHABAZZ 00000043 161150 09034286
01 FC:581 40.00 CH

6. Number of applications and patents involved: one7. Total fee (37 CFR 3.41):\$ 40.00
Please charge to the deposit account listed in Section 8.8. Deposit account number:
16-1150

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jonathan L. Klein 41,119
Name of Person Signing Reg. No.

Jonathan Klein
Signature

August 6, 1998
Date

For: Laura A. Coruzzi, Reg. No. 30,742

Total number of pages including cover sheet:

2

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignment
Washington, D.C. 20231

ASSIGNMENT

WHEREAS, I, Dean A. Falb, ASSIGNOR, citizen of the United States, residing at 28 Swarthmore Road, Wellesley, MA 02181, am the inventor of the invention in COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE for which I have executed an application for a Patent of the United States

which is executed on even date herewith or _____ (date)

which is identified by Pennie & Edmonds LLP docket no. 7853-114
 which was filed on March 4, 1998, Application No. 09/034,286

and WHEREAS, Millennium Pharmaceuticals, Inc., ASSIGNEE, a Massachusetts corporation having a place of business at 640 Memorial Drive, Fifth Floor, Cambridge, MA 02139, is desirous of obtaining my entire right, title and interest in, to and under the said invention and the said application:

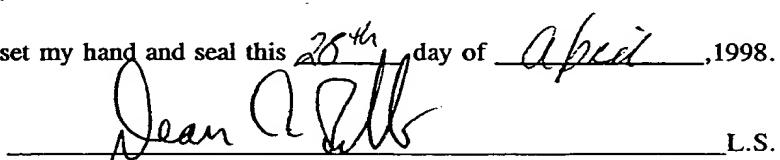
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28th day of April, 1998.



L.S.

State of Massachusetts)

) SS.:

County of Essex)

On this 28th day of April, 1998, before me, a Notary Public in and for the State and County aforesaid, personally appeared Dean F. Falb, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



Notary Public.

Exhibit B

Mr. Levin then requested that the Board provide Steven Holtzman and Mark Boshar with signing authority with respect to certain documents relating to the Company's U.S. and foreign patent prosecution. Mr. Levin also requested that the Board appoint Gary Cohen, Associate General Counsel as an Assistant Secretary to the Company and provide Mr. Cohen with signing authority with respect to certain intellectual property-related agreements. Upon motion duly made and seconded, it was

RESOLVED:

That Mr. Steven Holtzman, Chief Business Officer, and Mr. Mark Boshar, Associate General Counsel and Chief Patent Counsel, be and hereby are authorized to execute on behalf of the Company such documents and instruments which in the ordinary course of business are required to be executed by a duly authorized representative of the Company in connection with the Company's U.S. and foreign patent prosecution, including but not limited to Requests for Small Entity Status, PCT Applications and Powers of Attorney.

FURTHER
RESOLVED:

That Mr. Gary Cohen, Associate General Counsel, Corporate and Transactions, be and hereby is authorized to execute on behalf of the Company the following types of agreements entered into in the ordinary course of business: (a) material transfer agreements, (b) powers-of-attorney, (c) confidential disclosure agreements, (d) consulting agreements, and (e) other intellectual property-related agreements (other than collaborative research and/or license agreements not in the ordinary course of business).

FURTHER
RESOLVED:

That Mr. Gary Cohen by-hc and hereby is appointed an Assistant Secretary of the Company, to serve in such position in accordance with the By-Laws of the Company until his successor is duly appointed and confirmed or until his earlier death, resignation or removal.